

STATE OF MICHIGAN

MACOMB COUNTY CIRCUIT COURT

CYNTHIA M. ANTONETTE and  
LINDA L. ANTONETTE,

Plaintiffs,

vs.

Case No. 2013-2701-CH

JAMES ANTONETTE

Hon. John C. Foster

Defendant.

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ORDER

On May 8, 2014, the Court entered an order appointing Rudi Nicholas as a broker in order to market and sell real property commonly known as 5974 Cotswold Court, Shelby Township, MI 48316 (“Subject Property”) (the “Order”). In addition, the Order provided, in pertinent part:

(D) Once an offer that meets or exceeds the listing price is received, both parties shall have the right to match the highest offer. In the event that more than one party wishes to match the offer, the party that offers the highest price shall be given the opportunity to purchase the Subject Property for that price;

(E) Mr. Nicholas shall deduct a standard broker’s fee as compensation for his services in this matter;

Mr. Nicholas ultimately received an offer to purchase the Subject Property for \$135,750.00. On February 17, 2015, the Court held an evidentiary hearing regarding how to apportion the \$135,750.00 sales price. At the conclusion of the hearing, the Court took the

matter under advisement and instructed the parties to submit their proposed findings of fact and conclusions of law. The parties have submitted the requested briefing.

The Court having reviewed the materials submitted by the parties, as well as the testimony presented at the hearing, and the Court being otherwise duly advised in the premises;

IT IS HEREBY ORDERED THAT:

The Court hereby adopts the preliminary cost assessment attached as Exhibit A to Defendant's proposed findings of fact and conclusions of law ("Assessment"). The sales price of the Subject Property shall be distributed/apportioned as set forth in the Assessment. This Order resolves the remains claims and CLOSES this matter. MCR 2.602(A)(3).

IT IS SO ORDERED.

/s/ John C. Foster  
JOHN C. FOSTER, Circuit Judge

Dated: April 15, 2015

JCF/sr

Cc: *via e-mail only*

Mark L. Clark, Attorney at Law, [mark137@sbcglobal.net](mailto:mark137@sbcglobal.net)

Jonathan R. Crane, Attorney at Law, [jrcpc@sbcglobal.net](mailto:jrcpc@sbcglobal.net)